

1 Bill No. Z-80-11-09 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 07-81

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. N-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an R-3 District under the terms of Chapter 33, The Code of the
9 City of Fort Wayne, Indiana of 1974; and the symbols of the City of Fort
10 Wayne Zoning Map No. N-14, referred to therein, established by Section
11 33-11, of said Chapter are hereby changed accordingly, to-wit:

12 The West 55 feet of Lots #31 and the West 55 feet
13 of Lot #32 in Romy's Addition as recorded in the plat
14 thereof in the Office of the Recorder of Allen County,
15 Indiana.

16 SECTION 2. That this Ordinance shall be effective upon
17 passage, approval by the Mayor and legal publication thereof.

18 _____
19 COUNCILMEMBER

20 APPROVED AS TO FORM AND
21 LEGALITY

22 _____
23 JOHN E. HOFFMAN, City Attorney
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7 INDIANA:


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9 an R-3 District under the terms of Chapter 33, The Code of the City of Fort
10 Wayne, Indiana of 1974; and the symbols of the City of Fort Wayne Zoning
11 Map No. N-14, referred to therein, established by Section 33-11, of said
12 Chapter are hereby changed accordingly, to-wit:

13 Lots Numbered 31 and 32 in Romy's Addition
14 to the City of Fort Wayne, Indiana, accord-
15 ing to the recorded plat thereof commonly known
as 2021 and 2023 Hillside Avenue, Fort Wayne,
Indiana.

16 SECTION 2. That this Ordinance shall be effective upon passage,
17 approval by the Mayor and legal publication thereof.

18
19
20 
21 COUNCILMAN

22 APPROVED AS TO FORM AND
23 LEGALITY NOVEMBER , 1980.

24
25 
26 JOHN E. HOFFMAN, CITY ATTORNEY
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Read the first time in full and on motion by E. S. Nichols, seconded by J. Burns, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 11-25-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Win Moses, seconded by J. Burns, and duly adopted, placed on its passage. PASSED (~~LOSE~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>6</u>	<u>2</u>		<u>1</u>	
BURNS	<u>X</u>				
EISBART	<u>X</u>				
P GiaQUINTA		<u>X</u>			
NUCKOLS	<u>X</u>				
SCHMIDT, D.				<u>X</u>	
SCHMIDT, V.	<u>X</u>				
SCHOMBURG	<u>X</u>				
STIER		<u>X</u>			
TALARICO	<u>X</u>				

DATE: 2-24-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-07-81 on the 24th day of February, 19 81.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of February, 19 81, at the hour of 11:30 o'clock P. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 5th day of March 19 81, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

*To lay on table
until Feb. 24*

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, 19____, the _____ day of
_____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. _____
on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of
19____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

Hold until 2/24

Z-80-11-09 (as amended)
BILL NO. _____

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO NOT PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. GiaQuinta

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

VIVIAN G. SCHMIDT

Vivian G. Schmidt

JAMES S. STIER

James S. Stier

DONALD J. SCHMIDT

CONCURRED IN

DATE 2/24/81 CHARLES W. WESTERMAN, CITY CLERK

CONCURRED IN

DATE 2/17/81 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

*My Racine
notified
my husband
my work.*

27 January 1981

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held January 26, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-80-11-09
2. From R-2 to R-3
3. Intended Use: Professional Offices
4. Plan Commission Recommendation: DO PASS as perfected.

PERFECTION: The rezoning will include the rear portion of the property on which the offices are now located. The property to be rezoned has been described in the legal description submitted by Surveyor John R. Donovan.

NOTE: The original petition requested that all of Lots #31 & #32 be rezoned to an R-3 designation.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten *pd*

Gary F. Baeten
Senior Planner

GFB:pb

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1980, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-80-11-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,


WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 15, 1980;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 26, 1981.

Certified and signed this
27th day of January 1981.

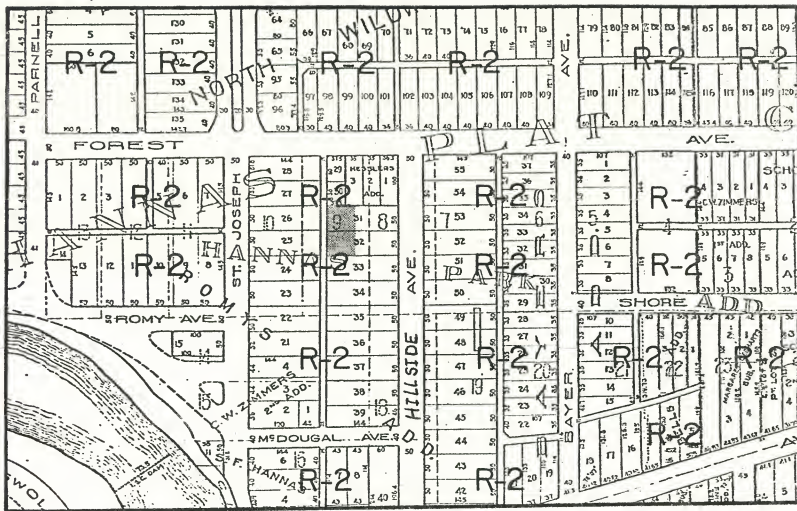

Dennis J. Grotrian
Secretary

RECEIPT

Date 11-10 1980 No. **15884**Received From Lth Investment, Inc.Address P.O. Box 5163fifty 00/100 Dollars \$ 50.00For paying 7021 & 7903 Hellside

ACCOUNT			HOW PAID			By <u>PATB.</u>
AMT. OF ACCOUNT			CASH			
AMT. PAID			CHECK	<input checked="" type="checkbox"/>		
BALANCE DUE			MONEY ORDER			

OK
2561



REZONING CLASSIFICATION FROM AN
R-2 TO AN R-3 DISTRICT.

MAP NO. N-14

Z-80-11-09

BY G.R. LAX

11-12-80

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN
 REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
 REGISTERED LAND SURVEYOR No. 9921 INDIANA
 FORT WAYNE, INDIANA

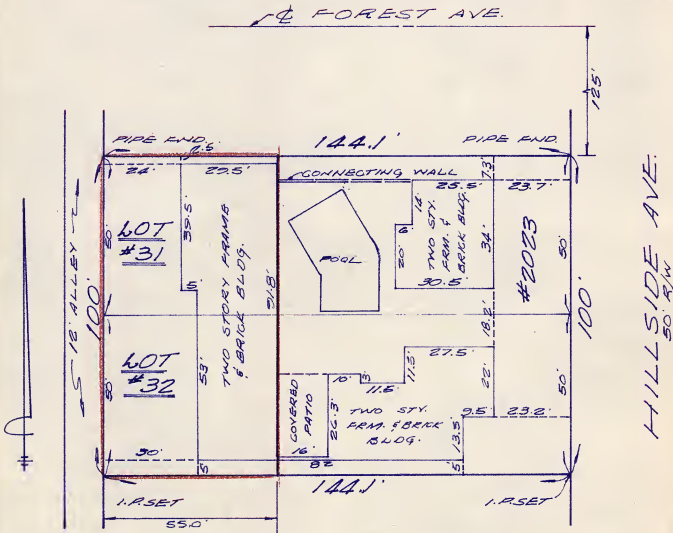
The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #31 and Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

LEGAL DESCRIPTION OF AREA TO BE ZONED R-3:

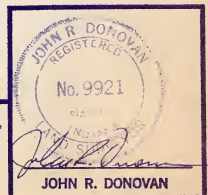
The West 55 feet of Lot #31 and the West 55 feet of Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

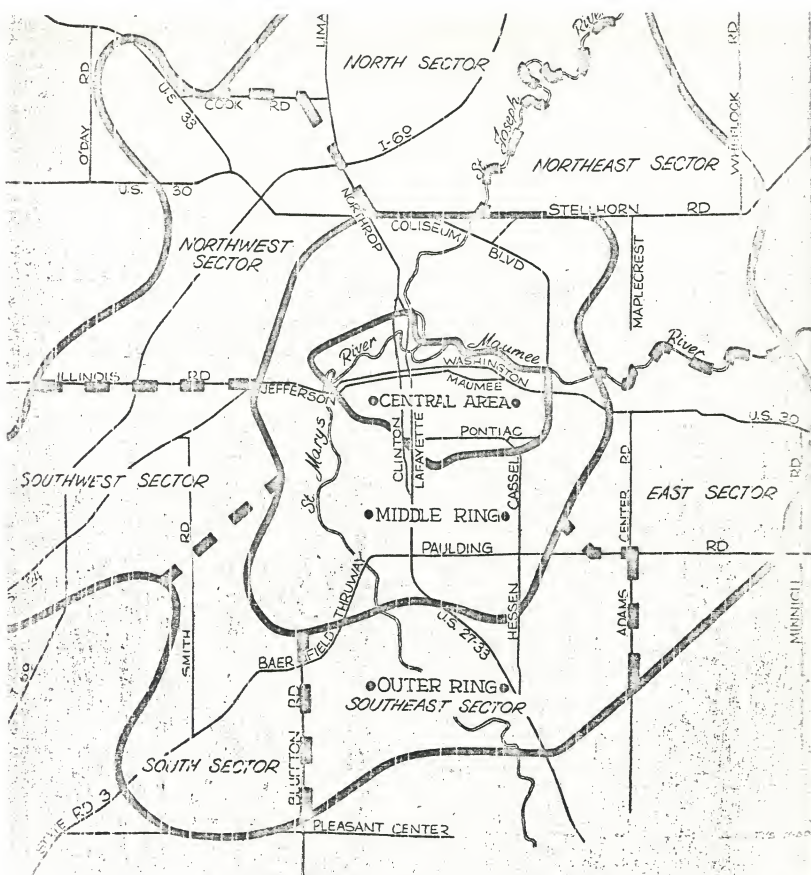


NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: **H. T. H.**
CROWN CONSTRUCTION INC.

1"=30'
 4-30-80
 REV. 12-29-80





MAP BY TOM SCHUBERT

Urban planners see the city and its concentric rings to help them plan growth of the area. Inner city are the suburbs, the Urban Services Area and the three main areas for

plans and strategies through the year 2030. The Central Area contains downtown and inner-city neighborhoods. The Middle Ring, where planners want to maintain the quality of homes and neighborhoods, surrounds the Central Area

The Outer Ring includes outlying neighborhoods and the suburbs. Most of the expected growth is placed around Fort Wayne. The Ring is divided into seven sectors with specific plans and goals.

young families, thinking of education, have away from crowded schools and toward the new facilities in the suburbs. But, the planners argue, that social

boles nearby for the suburban schools also, where the industrial tax base is not keeping up with the increased need for money. There are other problems, social

which are not different from the ones while I am not sure. Imagine yourself then.

ESTON W. HATHAWAY
2021 HILLSIDE AVE.
FORT WAYNE, INDIANA

March 20, 1965

Mr. Troy Yeoman
Building Commissioner
425 South Calhoun
Fort Wayne, Indiana

Dear Sir:

I am replying to your request that I put in letter form the following uses, for which the two story Accessory Building located at 2021 Hillside Ave, shall not be used.

1. The upper story shall not be used as a dwelling unit.

2. The upper story shall not be used to transact a business or service for others.

The lower story of the Accessory Building shall be used as private garage to store three self-propelled vehicles and miscellaneous hand tools.

The upper story rooms shall be used as indicated on the enclosed floor plan.

I am requesting that the posted Stop Work Order be removed and the necessary permits be issued so I may complete the construction of this Accessory Building.

Very truly yours

Eston W. Hathaway
Eston W. Hathaway
Owner

STATE OF INDIANA :
COUNTY OF Allen :

Subscribed and sworn to before me this 7 day of April 1965

John E. McDaniel
Notary Public

My Commission Expires 12-20 1968.

ZONING ORDINANCE APPLICATION

DEPARTMENT OF BUILDINGS
City of Fort Wayne, Indiana

(This application must be submitted when applying for an Improvement Location permit, a building permit, and a Certificate of Occupancy, or before a change or extension of any use of premises is made.)

Date June 1 1964

COMMISSIONER OF BUILDINGS,
City of Fort Wayne.

Dear Sir:—

Application is hereby made for Eston W. Hathaway

Number 20214 2023 H. side Street

Legal Description lot # 31 Romy's Addition

Use District B2 Class of Use _____ Map No. B7

X in square denotes use for which premises is desired

☒ New Building

☐ Public Building—Describe:

☐ To Remodel or Repair Building

☐ For Addition to Existing Building

☐ For Commercial Building

☐ Industrial Building—Describe:

☐ For Shopping Center

☐ For Roadside Building

☐ Single Family Residence

☒ Duplex House

Describe any other use below:

☐ Apartment House

☐ Store Building

☐ Office Building

☐ Gas Filling Station

☐ Private Garage

☐ Public Garage

Street No.

Size of Lot 50 X 144 sq. ft. of lot 7200

Size of Front yard 230 X 50 Size of Side yard 8'-8" X 26'-4"

Size of Rear yard ~~50 X 50~~
50 X 95 Size of Side yard 5'-0" X 26'-4"

Buildings Now on Premises	Size of Present Bldgs.	Height of Present Bldgs.
Buildings to be Erected	Size of New Building	Height of New Building
<u>Duplex</u>	<u>26'-4" X 36'-4"</u>	<u>13'-0" 1 1/2 story</u>
<u>3 Car Garage 2 story</u>	<u>24'-0" X 34'-0"</u>	<u>two story</u>

This application shall be accompanied by a plat of the premises showing the location of all proposed buildings and of existing buildings (drawn to scale). The plat shall be complete with dimensions of premises and buildings.

I hereby certify to the correctness of the plat and of the above information. (This application must be signed by the owner of the premises or his duly authorized agent.)

Signature Eaton W. Hathaway
(Owner or Agent)

Address 1036 Lake Ave.

Phone 743-9864

CITY OF FORT WAYNE

DEPARTMENT OF BUILDING

PERMIT

Nº 89870 B

Application of Eaton W. Hathaway
 for permit for Three Car Garage to garage
 Street No. 2021 + 23 Hillside
 Lot No. 31 Addition Hannys
 GENERAL CONTRACT \$ 350.00 Total Value \$ 350.00
 Materials Frame No. of Stories 2
 PLUMBING Traps Boilers
 Water Heaters Services Replacements Alterations
 ELECTRICAL New House Lt. Cir. Fixtures Power Cir.
 Stoker Service Dryer Water Heater Gas Burner
 Motors Signs Range Oil Burner Alterations Rewiring
 HEATING AND SHEET METAL New House Old House
 Gravity Warm Air Heating Mechanical Warm Air Heating
 Air Conditioning Apparatus Natural and Artificial Gas Burners
 Oil Burners Stokers Sheet Metal
 Replace Reset Repairs

NOTES

To be used for cars only and
handyman work shop
Checked location 9/16/64
500 Siding 11/30/64
 Fee \$ 500 Owner Eaton W. Hathaway Final 12/7/64 B
 Address 1036 Lake Ave. S.E.

Permit is hereby granted this 3 day of June 1964, to the above applicant to proceed with the work described.

T. E. YOEMAN
 Building Commissioner

By Eaton W. Hathaway

Affidavit of Applicant of Responsible Representative:

I, Eaton W. Hathaway, being duly sworn under oath, depose and say that all of the statements in the application and papers submitted herewith are true; that I will be responsible for compliance with all ordinances and laws in force governing the work in question and that in the event of additional work I will report and take out permit for the same.

Signature of Affiant

Address

Subscribed and sworn to before me this 3 day of June 1964.

My commission expires 19.

Notary Public

Permit

Nº 89870 B

To the Comptroller:

This is to certify that permit was issued this 3 day of June 1964.

DEPARTMENT OF BUILDINGS

Nº 9753 B

Fort Wayne, Ind. 10-19 1964

THIS IS TO CERTIFY, that the [✓]new altered Building located at 2021 + 2023
existing

Stiltside Lot No. 31. ^{existing} Farm Addition

conforms to the requirements of the Fort Wayne Zoning Ordinance. Permission is hereby granted for its occupancy for the following specified purposes only:

for use as family residence & 3 car garage
(Single 1 1/2 story = garage 2 story)

Subject to all privileges, requirements, limitations prescribed law.

Legal Fee \$3.00

J.E. Freeman
GRANFISCHBACH

Building Commissioner

By L. J. [Signature]

Remarks:

Owner: _____
Builder: E. W. Hathaway

Permit

Nº 9753 B

To the Comptroller:

This is to certify that permit was issued this 19 day of October 1967
on payment of the legal fee therefore, amounting to \$ 3.00.

Building Commissioner

CITY-COUNTY BUILDING DEPT.

Phone 219/423-7131
OF ALLEN COUNTY, INDIANA

A N° 68298

Applicant James E. Smith TYPE PERMIT
 Mailing Address 1111 S. 11th St. Lic. No. _____ Phone _____
 JOB SITE 217-19 11th St. Ave. STREET 11th St. CITY Indianapolis STATE _____ ZIP _____
 ADDRESS _____ Township _____
 Subdivision Name _____ Lot _____
 TYPE OF USE: Commercial _____ Residential 1 Other _____
 Size of Building _____ No. of Stories 1 Total Sq. Ft. 100
 TYPE OF CONSTRUCTION: Wood Fr. _____ Steel 1 Masonry _____ Concrete _____
 New Bldg. _____ Addition _____ Other _____ Total Value \$ 10,000
 PLUMBING _____ Traps _____ Water Heaters _____ Water Service _____
 Roof Sumps _____ Miscellaneous _____
 NON SANITARY _____ Tanks _____ Lawn Sprinkler _____ Boilers _____ Gas Piping _____
 Swimming Pool _____ Fire Sprinkler _____ Pneumatic Controls _____ Job Valuation _____
 ELECTRICAL NEW Service Size _____ Phase _____ Voltage _____
 Alteration ☐ Remodel ☐ Addition ☐ Explain in Notes. _____ Total Sq. Ft. _____
 HEATING AND SHEET METAL _____ New Const. _____ Old Const. _____
 Mechanical Warm Air Heating _____ Air Cond. Apparatus _____
 Oil Burners _____ Gas Burners B.T.U. _____ Air Cond. Tonnage _____
 Sheet Metal _____ Replacement _____ New Inst. _____
 SIGN _____
 NOTES 2 Car Garage for Duplex

FEES \$ 20 Owner James E. Smith
 Permit is hereby granted this 12 day of April 1980, to the above applicant to proceed with the work described.
 Troy E. Yeoman
 Building Commissioner

By 5-12-80 Complete KR

Affidavit of Applicant of Responsible Representative:

I, _____, being duly sworn under oath, depose and say that all of the statements in the application and papers submitted herewith are true; that I will be responsible for compliance with all ordinances and laws in force governing the work in question and that in the event of additional work I will report and take out permit for the same.

Signature of Affiant

Address

Subscribed and sworn to before me this _____ day of _____, 19____

My commission expires _____ 19____

Notary Public

Carli TYPE PERMIT

A N° 68298

Allen Co. Treasurer

This is to certify that permit was issued this _____ day of _____, 19____

on payment of the legal fee therefore, amounting to \$ _____

IMPROVEMENT LOCATION PERMIT
CITY OF FORT WAYNE, INDIANA

Permit Number _____

Application No. 9-73

~~XXXXXX~~ Date: 3-20-79

Issued to h.t.h. Investments, Inc.

On premises located at: Lot Number _____

Subdivision _____ Street Address (and other legal

description if necessary) 2017 - 2019 Hillside Ave.

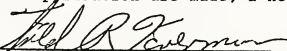
_____ Township _____ Section _____

Permit is hereby granted to the above applicant to proceed with the work described.

TO PERMIT: Duplex and Garage

If any changes or deviations from the original application are made, a new permit is required.

BY



ZONING ENFORCEMENT OFFICER
City of Fort Wayne, Indiana

Receipt of Fee:

This is to certify that a fee of \$3.00 was received this 20th. day of March, 1979 for an Improvement Location Permit.

BZA
AGENDA

July 31, 1980

1303 3rd Avenue A.T.N.
424-2754

Board Members: Melvin Borcharding, Albert Jeffers, Joyce Schlatter, George Simler, Phil Steigerwald.

The Board will begin to gather at approximately 6:30 P.M. in the 9th floor Board of Works conference room. The meeting will begin at 7:00 P.M. and will be held in the Board of Works conference room.

OLD BUSINESS

1. CASE NO. 298-1961-Z (RECONSIDERATION FOR DENIAL)
Location: 1013-1031 West Berry Street and 801-813 Rockhill Street; Lots 183, 184 and 185 in Rockhill's First Amended Addition; also the vacated alley adjoining said lots on the east; also Lot 71 in Rockhill's First Amended Addition and the space between said Lot 71 and said vacated alley.
An appeal for a permit for the establishment of a parking lot for off-street parking (for employees of St. Joseph Hospital, primarily) in an R-3 District.
2. CASE NO. 53-1980-Z
Location: 204 E. Suttentfield
An appeal for a front yard setback from 25' to 0' for an ID sign in an R-3 District.
3. CASE NO. 59-1980-Z
Location: 5316 Coldwater Road
An appeal for a front yard setback from 15' to 7' for an ID sign in a B1B District.

NEW BUSINESS

1. CASE NO. 67-1980-Z
Location: 2205 North Clinton
An appeal for a front yard setback from 25' to 0' for a fence in an R-1 District.
2. CASE NO. 68-1980-Z
Location: 2201 Hazelwood
An appeal for a front yard setback from 25' to 0' for construction of a storage shed and a 6' privacy fence along Leroy Avenue in an R-1 District.
3. CASE NO. 69-1980-Z
Location: 2520 Hobson Road
An appeal for a side yard setback from 5' to 2'9" to accomodate a 27" overhang on house at 2520 Hobson Road in an R-1 District.
4. CASE NO. 70-1980-Z
Location: 2017-2021 and 2023-2025 Hillside Avenue
An appeal for a side yard setback from 5' to 0' on Lots 31 and 32 in Romy's Subdivision in an R-2 District.
An appeal for a lot coverage waiver from 30% to 33% at 2023-2025 Hillside Avenue in an R-2 District.
An appeal for a lot coverage waiver from 30% to 45% at 2017-2019 Hillside in an R-2 District.
An appeal for expansion of a non-conforming use in an R-2 District.

50.00

50.0

CONC. DRIVE

34.0"

EXISTING COIN
DRIVE

EXISTING
BUILDINGS

No. 2021

NEW GARAGE

СЛУНДЕРС-

BALCONY

NEW SPARTAN
BUILDING
N: 2017
N: 2019

EXISTING
BUILDINGS

Nº. 2023

Nº: 2024

EXISTING
CONC. SALK

-PROPERTY LINE

EXISTING CONC. VALUE

CONC. CURT.

HILLSIDE AVE

The News-Sentinel

FORT WAYNE, INDIANA 46302

FRIDAY, SEPT. 25, 1938 1C

SHAKY LEGAL GROUND

Dirt Moving Under BZA's Feet?

By DICK ISENHOUR

To say the Fort Wayne Board of Zoning Appeals is standing on shaky legal grounds could be understating the case; there may be an earthquake developing.

By a 3-0 vote Thursday, the board decided to withdraw a request to expand a legal, non-conforming use, namely an office building, located in a residential area in the 2000 block of Hillside Avenue.

The office building, housing Crown Construction Co., 2021 Hillside Ave., has been operating in violation of the city's zoning ordinance for 15 years. Since the operation is technically an illegal, non-conforming use, and not a legal one as requested, the board concluded it could not approve or deny the request. So it withdrew the

petition.

The action, in effect, clears the way for the construction company to expand its offices, continuing in violation of city zoning codes.

There is a saving grace, however. Zoning enforcement officials could still cite Crown Construction and halt expansion. Such a move would force the company to request a rezoning of the tract by the Fort Wayne Plan Commission.

The area was zoned for two-family dwellings under an ordinance approved in 1955. Since the construction firm began operations without first receiving proper permission to do so, it cannot be considered a legal, non-conforming use.

In pleading to the board to allow the expansion, attorney Robert Hal-

ler admitted the proper way to remedy the situation would be to seek the rezoning from the plan commission. "But this is not what the neighborhood wants....All I'm asking is this board do nothing."

But George Martin, attorney for the board, countered, saying, "There are people out there who are protected by the ordinance. To say something is not a proper procedure and to say the board is going to follow it would not be helping those the ordinance is designed to protect."

However, board member George Simler then moved to withdraw the petition, noting he is not encouraging the expansion of business in residential areas. "I am simply moving to withdraw the petition reading 'legal, non-conforming use.'"

"It seems you're condoning this when you should probably be out citing them for running an illegal, non-conforming use," Martin observed.

At an earlier hearing on the expansion request, Martin advised the board an approval would almost certainly be overturned in court, if pursued by the Northside Neighborhood Association, which opposes the expansion.

"You would be taking an illegal action and it would be my advice to deny the request."

Although the board took no real action on the request one way or the other, withdrawing the petition will allow the company to continue its expansion, unless cited by zoning officers. And that is likely if the

(Turn to Page 5C, Column 4)

CROWN EXPANSION DEBATED

Zoning Appeals Board Stalls Request

By DICK ISENHOUR

For 15 years the Crown Construction company has been operating its business offices at 2021 Hillside Ave. in violation of the city's zoning ordinance.

The area was zoned for two-family dwellings under an ordinance approved in 1955. Since the construction firm began operations in 1965 without first receiving the proper permission to do so, it cannot be classified as what is known in zoning circles as a legal, non-conforming use.

This was the substance of arguments heard Thursday before the city's board of zoning appeals. Crown representatives appeared before the board requesting approval of plans to expand the offices.

But also on hand were representatives of the Northside Neighborhood

Association, opposed to the plans because they contend the offices should not have been allowed in the neighborhood in the first place.

A spokesman for the construction business told the board Crown is seeking permission to expand the business and also is requesting a waiver from lot coverage requirements to allow for construction of a swimming pool across the lots.

Crown Construction owns two adjoining lots in the 2000 block of Hillside, and in addition to the offices there are duplexes on the site.

Ray Racine, of the neighborhood association, said he is not opposed to the request concerning lot coverage, but did object to the proposed expansion because it would "spread more business into a residential area if allowed."

He continued, "The company has gone ahead and ignored the law and is coming to you for your forgiveness."

The testimony touched off debate between two members of the board and the board's attorney, George Martin.

Martin said if the board were to approve the expansion request, the action would almost certainly be overturned in court, if pursued by the neighborhood association. "You would be taking an illegal action," Martin said, "and it would be my advice to deny the request."

Nonetheless, board member Albert Jeffers moved to approve the request, saying it was time for a change in the law. "Let's establish a precedent," he said.

"You don't create new laws by violating old ones," Martin countered.

"But that's how you bring about change," Jeffers remarked.

The motion, however, failed to carry as the board split 2-2.

Another motion, one for denial, also failed to carry and the board finally agreed to defer the matter until next month, when it is hoped all five members will be present.

In another matter, the board revoked an action taken in 1961 which allowed three lots at Berry and Rockhill streets to be used for off-street parking by St. Joseph's Hospital. The lots have since been purchased for the West Central Neighborhood by the city and will used as sites for historic homes moved from other parts of the city.

The Sponhauer House, moved here this week, was relocated on one of the lots.

ARTICLE IV

FINAL DISPOSITION OF CASES

1. Every decision of the Board on any case shall be by resolution.
2. The final disposition of any appeal before the Board of Appeals shall be in the form of a resolution, either reversing or modifying the order, requirement, decision, or determination appealed from and granting the appeal, or affirming the order and denying the appeal. The concurring vote of three members shall be necessary to a decision.

If a resolution fails to receive three votes in favor of the appellant, the action will be deemed equivalent to a denial, and a resolution denying such appeal shall be formally entered on the record.
3. No appeal withdrawn can be considered again except on written request for a reinstatement of the case.

ARTICLE V

ZONING APPEALS

1. No appeal for a variation from the course prescribed by the Zoning Ordinance shall be heard by the Board of Appeals except in a specific case, and from an order, requirement, decision or determination made by the Zoning Enforcement Officer on the grounds that the proposed plan or use is contrary to the provisions of the Zoning Ordinance.
2. So soon as any appeal is completed by the filing of the necessary data the Board of Appeals shall fix a reasonable time for the hearing and give due notice thereof to the parties.
- x 3. No appeal that has been denied can be entertained in a case in which the appellant by the filing of new plans has obtained a new decision from the Zoning Enforcement Officer, unless the new plans materially change the aspects of the case.

ARTICLE VI

- x 1. Amendments to these Rules of Procedure may be made by the Board of Appeals at any regular meeting upon the affirmative vote of three members for such meeting only. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.
- 14

No. 147-B

WARNING NOTICE

PLAN COMMISSION
CITY OF FORT WAYNE
ONE EAST MAIN STREET - 423-7571

NOTICE OF ZONING ORDINANCE VIOLATION

DATE 10-27-80 TIME _____

NAME CROWN CONSTRUCTION, INC.

ADDRESS 2021 HILLSIDE AVE.

DOLYAS TAYLOR, OWNER

YOU ARE HEREBY GIVEN 30 DAYS TO CORRECT THIS
ZONING VIOLATION. TO-WIT=

____ NO LAND USE PERMIT

____ NO CERTIFICATE OF OCCUPANCY

____ FAILURE TO COMPLY WITH APPROVED PLAN

OPERATING A BUSINESS IN

R-2 ZONE. (SEC. 33-14)

CHAPTER ³³ OF THE MUNICIPAL CODE OF THE CITY OF
FORT WAYNE STATES A FINE OF \$300.00 PER DAY,
FOR EACH DAY, COULD BE ASSESSED IN SUPERIOR
COURT FOR VIOLATIONS.

FAILURE TO CORRECT THE ABOVE VIOLATION COULD
RESULT IN AN AFFIDAVIT BEING ISSUED FOR YOUR
APPEARANCE IN SUPERIOR COURT.

Frederick R. Kerner
ZONING INVESTIGATOR

VIOLATOR



THE AREA IN WHICH THIS PROJECT IS LOCATED IS A PART OF THE LARGER NORTHEASTERN COMMUNITY OF LAKESIDE PARK. THIS PHOTO SHOWS THE AREA BOUNDED BY ST. JOSEPH BLVD. IN THE UPPER PART OF THE PICTURE; STATE STREET ON THE RIGHT; CRESCENT AVE. AT THE VERY BOTTOM; AND DELAWARE AVE. ON THE LEFT. THIS EXPANDED NEIGHBORHOOD CONTAINS A MIXTURE OF ONE, TWO AND THREE-UNIT BUILDINGS WITH SMALL NON-CONFORMING BUSINESSES SCATTERED WITHIN.



THE PROPERTY HAS BEEN DEVELOPED WITH A STONG CONCERN FOR PERSERVING
THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. A PEDESTRIAN OR
DRIVER WOULD VIEW THE PROPERTY AS AN IMPROVEMENT TO, AND A PART OF,
THE AREA'S HOUSING. FROM HILLSIDE AVE. THE DUPLEXES IN THE FRONT
MAINTAIN A CONTINUOUS AND CONSISTENT STREET FACADE. LOOKING BETWEEN
THE DUPLEXES - - - ONE SEES ANOTHER BUILDING WHICH APPEARS TO BE
ANOTHER HOUSE.

THIS CENTER BUILDING SHOWN HERE AT THE REAR IS AN INTEGRAL PART OF THE PROPERTY'S DEVELOPMENT. IT IS OCCUPIED BY CROWN CONSTRUCTION, INC. AND IS USED AS A PLACE FOR ANALYSIS OF BLUEPRINTS AND COST ESTIMATION. THERE ARE NO SIGNS OR OTHER COMMERCIAL FEATURES ON THE BUILDING.



ON THE GROUND, THE PROJECT IS BARELY NOTICEABLE. THIS IS THE
VIEW SOUTH ALONG HILLSIDE AVE.



HERE, LOOKING NORTH ALONG THE SAME STREET, ONE SEES A CONTINUOUS
LINE OF HOUSING. BUT, THE PROJECT IS THERE.



FROM THE ALLEY IN THE REAR, LOOKING SOUTH FROM FOREST AVE., THE
OFFICES DO NOT APPEAR.





FROM DUE WEST THE REAR FACADE IS VISIBLE AND ATTRACTIVE, YET IS NOT SEEN FROM ST. JOSEPH BLVD. NATURAL COLORS WERE USED TO BLEND THE PROJECT WITH ITS SETTING. OVERALL, THE PROJECT IS AN INTEGRATED WHOLE, WHICH HAS BROUGHT NEW LIFE AND VITALITY TO THE AREA.



THIS DUPLEX, WHICH IS OWNER OCCUPIED.....AND THE DUPLEX ON THE
RIGHT IN THIS PICTURE COULD NOT HAVE BEEN JUSTIFIED ON ECONOMIC
GROUNDS ALONE. TOGETHER WITH THE OFFICES IN THE REAR, THEY
REPRESENT A NEW ECONOMIC LIFELINE FOR THIS NEIGHBORHOOD. IT IS
HOPED THAT THIS EXAMPLE OF CONFIDENCE IN AN OLDER NEIGHBORHOOD
WILL HELP MAINTAIN THEIR PRECIOUS CHARACTER, QUALITY AND VITALITY.

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, In 46802

Gentlemen and Mrs. Schmidt:

This report is presented to you and your staff in conjunction with the application for rezoning of property located at 2017 - 2025 Hillside Avenue.

Its purpose is to provide you with full details of the history and present circumstances of the property in question.

We thank you in advance for your consideration and remain at your service to answer any additional questions that may arise. Please feel free to contact myself or Mr. Eston Hathaway at 424-5242, or our attorney Mr. Robert Haller at 424-2000.

Cordially,



Douglas F. Taylor,
hTh Investment, Inc.

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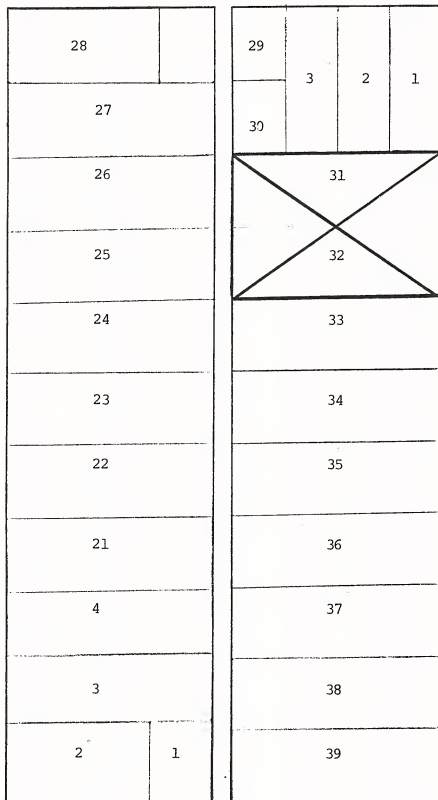
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LOCATION OF SUBJECT PROPERTY

Figure 1

Forest Avenue

St. Joseph Blvd.



Hillside Avenue

Mc Dougal Avenue

INTRODUCTION

APPLICATION FOR RECLASSIFICATION OF PROPERTY

Location: 2017 - 2025 Hillside Avenue, west side, 100 feet south of the intersection of Forest and Hillside Avenues; Lots 31 and 32, West 55 Feet, Romy's Addition.

Applicant: hTh Investment Company (Owner); Mr. Douglas Taylor and Mr. Eston Hathaway.

Requested Action: Rezone from present R 2 to R 3.

Purpose: To legalize the existing non-conforming use after a second public hearing for Contingent Use - Professional Offices.

Existing Uses: Two duplexes and professional offices.

Previous Land Use: Residential and professional office for 15 years.

Surrounding Land Use: A mixture of 1-, 2- and 3-unit residential buildings in the subject block; a legal non-conforming beauty salon across alley from subject property; adjacent to that is a baby-sitting service. (See Figure 2 - Land Use Map).

Other Information: hTh Investment Co. has made substantial improvements to other properties owned by it in this block.

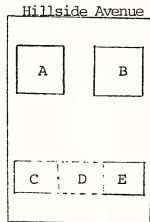
It recently renovated a dilapidated structure at the corner of St. Joseph and Forest Avenue into a stylish duplex. On each side of this is a single family house. Each is well maintained and was painted in October of this year.

Mr. Taylor has resided on this block for 15 years.

HISTORY OF LAND USE

1964: Owner (Hathaway) resided at 2025 Hillside, "A" in diagram, and maintained an "office in the home" for personal use in the construction business he founded.

1966: Space demands and convenience resulted in moving the "office in the home" into the garage at the rear of the property, "C" on the ground floor. This use would have been termed an "Accessory Use."



1968: Moved office located in "C" from the ground floor to the second floor, approximately 650 square feet. Business expansion required the addition of one secretary who also worked out of this office.

1971: Continued business success resulted in the addition of an estimator and a field superintendent. Existing office space on the lower floor of "C" again used to house these employees.

1977: Dilapidated house located at "B" was demolished.

1979: Permits received and construction begun on a duplex and three car garage located at "B" and "E". The duplex was constructed of brick masonry with one unit constructed to be the personal residence of the owner, Mr. Taylor.

1980: Completed construction of duplex and garage and applied for permit to connect the two garages "C" and "E". The area of "C", "D" and "E" finished into additional offices.

CURRENT STATUS

The accumulated square footage of office space, from the legal "office in the home" and "accessory use" to the current footage of office space, has resulted in a state where the present use is illegal in the R 2 zoning district.

In the course of public hearings for variance from setbacks and lot coverage (approved) it became evident to the zoning authority that the present use did not comply with R 2 regulations.

While the neighborhood association for this area was satisfied that there be no further expansion of the offices (none was contemplated), the zoning authority was forced to give a warning notice of zoning ordinance violation on October 27, 1980.

PURPOSE OF REZONING APPLICATION

The only means by which the present developement on the subject property can be made legal is the rezoning of the property from R 2 to R 3; and, the subsequent application and public hearing for Contingent Use of the property as Professional Offices.

The present application before the Common Council is the second step of the process of legalization.

PRESENT USE OF PROPERTY

The offices in the rear of the subject property house the owner and professional staff of Crown Construction, Inc., a masonry contractor. The work performed at this location includes primarily the cost estimation of work to bid for by the Company. The work is quiet and low key in nature, being mainly the study of blueprint specifications and research of materials cost handbooks with necessary telephone work for current prices.

Bookkeeping and accounting functions are also performed in this quiet atmosphere.

Present Use, con't.

Two field superintendents report to this office one or two times per week.

Crown Construction maintains a shop and storage yard on the Covington Road. All laborers and other personnel report directly to specific job sites or are dispatched from the Covington Road yard when necessary. All of Crown's equipment and tools are kept here when not in use.

No direct construction related work is performed at the Hillside Avenue offices. Nor are business signs or any other commercial feature evident at Hillside Avenue.

Exceptional care and planning were exercised in the overall development of the subject property. The owners' concern for the quality of this neighborhood and the fact that Mr. Taylor is and has been a resident here for fifteen years resulted in building materials of the highest quality. The design of the project from its inception has been of a nature that would blend in and enhance the residential character of the neighborhood.

The effect of these quality materials and outstanding design will be to preserve and upgrade property values in the area. With the exception of owners' properties, very little construction activity has occurred in this neighborhood. Since the beginning of these improvements, residents in the area have noticed renewed efforts of maintenance and rehabilitation.

It is hoped by the owners of this project that their efforts and dedication to this central urban area will have a positive effect and will encourage others toward rehabilitation where necessary and maintenance in general. As will be documented later in this report, the residents in this area overwhelmingly support this development.

ARGUMENTS IN FAVOR OF RECLASSIFICATION

Finance and Employment

Without a reclassification and final legalization of the buildings housing the professional offices, a sizable financial loss would be incurred by a respected and successful Fort Wayne Company; such a loss could have an effect on the company's level of employment.

New Housing

The development of the offices at this location has made possible the addition of the four living units to Fort Wayne's central city housing stock. The duplexes themselves could not have been justified on any economic grounds during the present era of high interest rates and severe housing crunch.

Preservation of Housing

The long run effect of the new housing built on this property and the owners' commitment to the neighborhood will be to encourage others to maintain and upgrade their property also. Such private initiative is the only means by which neighborhoods in central areas can survive. The coming years of energy shortage will find such central neighborhoods highly necessary and economical. The duplex built by Mr. Taylor and Mr. Hathaway include solar heating.

Compatible Land Usage

The actual pattern of land use in the subject block is characteristic of R 3 districts elsewhere in the city. A mix of one, two and three unit buildings is found in this block as well as small businesses. In as much as professional offices are permitted by public hearing in R 3 districts, such use as presently exists is compatible with the surrounding land use.

Neighborhood Concerns

Residents in the immediate neighborhood support Crown Construction's use of this property and its efforts to legalize the use under the zoning ordinance. Consultation with the residents has resulted in an application for rezoning that includes only the two lots in question in as much as they prefer not to rezone the remainder of the area to R 3. Officers of the Northside Neighborhood Association which covers a much larger area than this neighborhood, have indicated that they do not oppose Crown remaining where it is without further expansion, but also would not support an area wide rezoning. Hence the application restricts its scope to the two lots in question.

Neighborhood Support

Figure 3 details those residents in the immediate vicinity of the project who have been contacted and have signed a petition in support of maintaining the offices at this location. Very few of those residents contacted where opposed, although some preferred to remain neutral.

2 - Lot Rezoning and the General Plan

The Plan Commission in its exercise of the police power as regards zoning matters must be concerned with actions that would be arbitrary and capricious in nature. Any rezoning approved by the Commission must have general conformity with the General Plan.

The existing Fort Wayne General Plan is currently under revision by the Planning Staff. The 1963 Plan designates the area in which this project is located as "high density".

The draft of the new General Plan contains general policies and goals which are also supportive of this application:

"Overall Urban Service Area

The Goal: The goal for the overall Urban Service Area is to achieve balanced and timely growth that is supportive of existing development and the local economy.

General Land Use Policies

- Rezoning and proposed developments should be compatible with existing and planned uses.
- A proposed development should maintain the integrity of the area.
- Provide employment in compatible non-nuisance businesses.
- Energy should be a consideration in evaluating proposals.
- Expand the community's financial resources and maintenance of existing investment."

A rezoning of the subject property is legally justifiable. The property is sufficiently differentiated from neighboring properties on at least two grounds. One, the subject property has a fifteen year history of land use of an office variety. Two, the topography of the lots is higher than the remaining south-eastern portion of the block. Either of these facts serve to obviate any question of "spot zoning".

CONCLUSION

This petition for rezoning is necessary in order to legalize an existing developement. The rezoning is restricted to the property in question due to the desires of neighborhood residents and the comments of the Northside Neighborhood Association.

The actual pattern of land use in the subject block is similar to the land use found in other R 3 districts; hence, it is felt that the project itself is not incompatible with the surrounding land use.

The purpose of this rezoning application and the manner in which it has been presented enjoys the support of the local neighborhood residents.

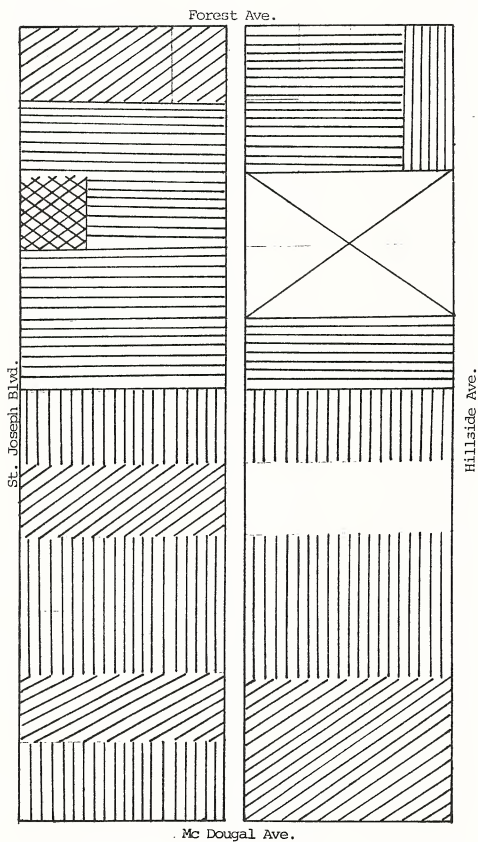
The subject property is sufficiently differentiated from neighboring properties so that a rezoning is not in conflict with the legal application of the police power of the City Plan Commission.

Failure to rezone and legalize the existing developement would cause undue hardship to the owners and their business and would have an effect on Fort Wayne's economy and level of employment.

In conclusion, the owners of this property respectfully request the Common Council of Fort Wayne to approve this application.

VISUAL LAND USE

Figure 2



UNITS per STANDARD

SIZED LOT

1 

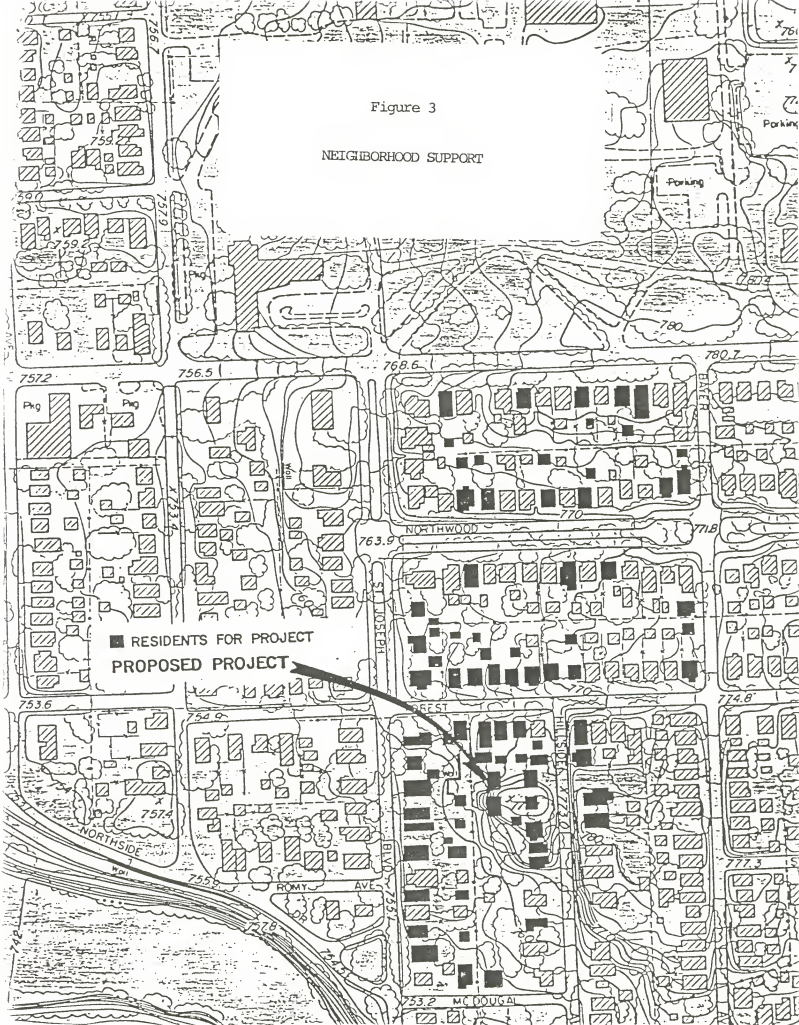
2 

3 

B 

Figure 3

NEIGHBORHOOD SUPPORT



I support Crown Construction's efforts to
rezone their two lots to R-3 (from R-2)
in order to seek legalization of present
use.

J. S. Byanski

Edmer C. Gots
819 Mc Donough Ave

Jan 4, 1981

We are in agreement
with and approve of, lot 31
and lot 32 in Emy's addition
to be rezoned to R3.

Janet Dyer
Temple

919 Forest Ave

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN
 REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
 REGISTERED LAND SURVEYOR No. 9921 INDIANA
 FORT WAYNE, INDIANA

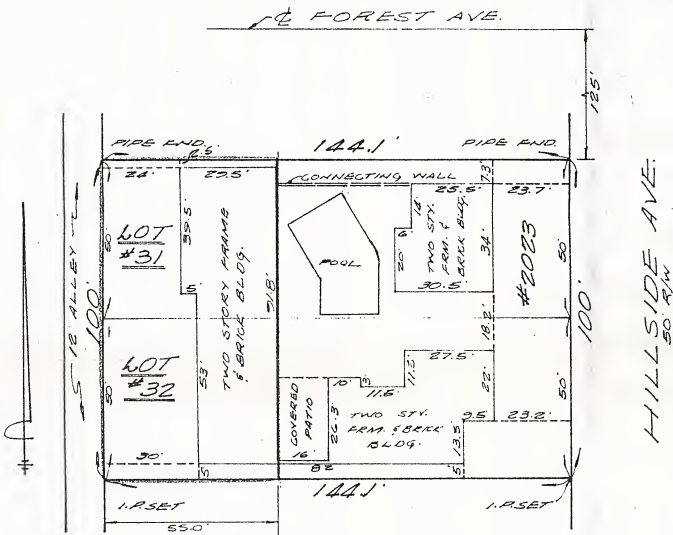
The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Lot #31 and Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

LEGAL DESCRIPTION OF AREA TO BE ZONED R-3:

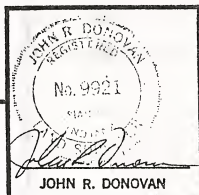
The West 55 feet of Lot #31 and the West 55 feet of Lot #32 in Romy's Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: H. T. H. CROWN CONSTRUCTION INC.

1"=30'
 4-30-50
 REV 12-29-80



BEFORE THE CITY COUNCIL, CITY OF FORT WAYNE
REMONSTRANCE AGAINST PROPOSED ZONING MAP AMENDMENT
PETITION NO. 2-80-11-09

Comes now Jack W. Lawson and Stephen R. Snyder, attorneys, on behalf of remonstrators, Douglas and Marsha Larry, et al., The Northside Neighborhood Association, Inc. and all other owners of real estate and citizens of Fort Wayne, Indiana, similarly situated and detrimentally affected by the above proposed rezoning petition. The remonstrators do hereby remonstrate against the Ordinance which proposes to change the classification of the real estate described in said Ordinance (Lots 31 and 32 in Romy Addition to the City of Fort Wayne and commonly known as 2021 Hillside Avenue) from an "R-2" District to an "R-3" District for the following reasons:

1. There is no compelling public or private need for the plan to be amended.
 - A. The plan and proposed amendment nor the purposes for the proposed amendment are not a logical extension of an existing district.
 - B. There is no need for an additional district to serve the area and such a change would be incompatible with the overall master plan for the City of Fort Wayne.
 - C. There are no changing conditions within the area which make the present land use classification impractical or undesirable and, in fact and law, market conditions indicate that the present "R-2" uses will amply serve the district and the need of the citizens of Fort Wayne.
 - D. Office uses are not needed to serve the area and will benefit petitioner only.
2. That the amendment will not be in the best interests of and benefit to the specific area involved immediately surrounding the real estate described in the petition.
3. That the amendment will be detrimental to and does conflict with the overall master plan for residential districts in the City of Fort Wayne.
4. That the proposed change to multiple family "R-3" dwellings and attached dwellings and the proposed use to occupy offices within the "R-3" district by the petitioner is totally incompatible with the existing character and nature of the present subdivisions in the area and such a change will adversely affect property values of these petitioners and other persons similarly situated.
5. The documents, materials and testimony presented in evidence before the Plan Commission and before the City Council at previous hearings indicate that both the petitioner and the City Council are contemplating entering into an agreement which is generally categorized

under zoning law decisions as "contract and/or conditional zoning", all of which is illegal, void and unenforceable according to the weight of case law authority within the State of Indiana and the decisions of other states within the United States.

6. The granting of the zoning amendment as requested by petitioner will constitute "spot zoning" as that term is defined and construed under the case law decisions and is ". . . the very antithesis of planned zoning."

7. The granting of said rezoning petition as requested and for the reasons and agreements contemplated and entered into in an executory form by the Plan Commission, the City Council and petitioner would be contrary to law in both procedure and substance and adverse to the public and private interests of the citizens of the City of Fort Wayne and these remonstrators.

WHEREFORE, remonstrators respectfully request that the City Council reject the proposed Ordinance amendment in favor of remonstrators and grant a do not pass.

LEGAL MEMORANDUM IN SUPPORT OF REMONSTRANCE

When Rezoning Becomes Spot Zoning. Defined as the process as singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners . . . "spot zoning" is the very antithesis of planned zoning. If, therefore, an Ordinance is enacted not in accordance with a comprehensive zoning plan and is not a logical extension of an existing district adjacent to the proposed parcel of real estate for rezoning, it is, therefore, spot zoning. The proposed zoning singles out and affects but one small lot or lots within a larger subdivision which is situated among other similar subdivisions, none of which carry a classification of "R-3" zoning nor contain uses that are permitted by special exception within an "R-3" district. The Ordinance, if passed, would also create in the center of a large zone, a small area or a district devoted to an entirely different use which is commercial in nature rather than residential and, therefore, inimical to the traditional and supportive uses within the area. Such an intrusion and breakdown of zoning harmony will result in private benefit of one owner and to the detriment of all other homeowners and thus a denial of equal protection of its law. Thus, the relevant inquiry before the Council is whether or not the particular zoning under attack consists of a small area fixed within larger areas of different use and whether it is attempted to be accomplished for the benefit of individual owners and their economic purposes rather than pursuant to a comprehensive plan for the general welfare of the community and the specific protection of residents living in the surrounding subdivisions and community. Most courts have looked upon spot zoning

with great suspicion and have generally concluded that it endows upon an individual special favors and circumstances that would not otherwise be available even under a "use variance procedure" which requires the landowner to show a hardship that is not of his own making. Here, the facts are clear that the owner of the premises has constructed an office use in complete violation of the Zoning Ordinances of the City of Fort Wayne and now seeks a remedy after the fact. Merely the fact that a City has adopted a spot zoning request tends to rebutt the presumption of reasonableness which is a prerequisite attachment to any municipal action that attempts to inject an adverse business use within a wholly contained residential subdivision.

Contract/Conditional Zoning. When zoning power is delegated to a municipality, it is not contemplated that the municipality will bargain away any part of that power to any private landowner. A contract made by the zoning authorities to zone or rezone for the benefit of a private landowner is illegal and is denounced by the courts as "contract zoning" and as an ultra vires bargaining away of the police power. It is reasoned that zoning restrictions and permissions must be governed solely by the public interest, and not by benefit to an individual applicant. Also, rezoning a residential area to a business use, on the condition that the area rezoned be used exclusively for the business use named in the application (the instant situation requiring a down zoning in order to create a non-conforming use after BZA approval), has been held to be invalid as a rezoning without regard to the public health, safety and welfare. The controlling authorities as evidenced by case law throughout the state indicates that it is perfectly clear that a legislative body may not sell its right to legislate or negotiate same. Moreover, whether or not a zoning change based upon a contract, understanding or agreement is void (most states hold that it is), the contract itself is clearly unenforceable. Thus, conceivably, if a developer obtains a zoning change through an agreement or upon condition to later accomplish certain required restrictions and either the developer or City Council later decides that the zoning change and arrangement was not a good idea and not in the benefit of either party, the developer or the City Council could reverse and upset the entire balance of the transaction by showing the contract void or voidable under the law. The bargain and "conditions" concepts of approaching a zoning problem is clouded from the standpoint of the Council as well as from the standpoint of the developer and the opposing and remonstrating residents. The transaction is tainted and will undoubtedly "sour" in the court room at the expense of both the City and the remonstrators who

should not have to bear these costs or later proceedings in a court of law. The Council should provide equal protection of the law to these remonstrators.

Case Law Support. The positions of the remonstrators are supported in several cases beginning as far back as 1951 with Rogers v. Village of Terrytown, 96 N.E. 2d 731, Andgar Associates, Inc. v. Board of Zoning Appeals, 30 App. Div. 2d 672, 291 NYS 2d 991, Hausmann & Johnson, Inc. v. Berea Bd. of Bldg. Code Appeals, 40 Ohio App. 2d 432, 69 Ohio Ops. 2d 379, 320 N.E. 2d 685.

Background Facts and Resident Comments. Supporting background facts and resident comments are attached hereto and incorporated herein by reference. The Council should reject the petitioner's request for any other course of action and enacting the Ordinance would be unsupportive of the master plan, the zoning ordinance and the applicable common law decisions.

Respectfully submitted,

DUNTEN, BECKMAN, LAWSON,
FRUECHTENICHT & SNYDER

By: _____
Jack W. Lawson

By: _____
Stephen R. Snyder
2410 Fort Wayne Bank Building
Fort Wayne, Indiana 46802
Telephone: (219) 423-1602
Attorneys for Remonstrators

Background Facts / Residents Comments

Presented by Ray Roemer

The property at 2021 Hillside on Lot 31 and 32, Romy Addition, fronts on Hillside Avenue which has no parking on one side of the street. And with parking on the other side, only one car can drive down the street. If a car is coming the other way, it has to pull off on McDougal or Forest or pull up on the sidewalk. Forest Avenue has parking on both sides with one lane of traffic down the middle and the same holds true of the other side boundary street, McDougal. The alley on the back end of these lots is a one lane alley and one lane exit, and this is where 20 cars and trucks park during business hours pulling in and out of the alley all through the day, plus others over and above that come to transact business.

We have here a petition signed by 300 ~~else~~ neighbors that do not want these lots or any part of them re-zoned R-3 as they feel, among other things, the entrance and egress from these properties are not suitable to permit an orderly traffic pattern without creating a hazard to life and limb, whether it is a multi-family dwelling or a business. Also, it will depress the value of their homes.

This property is deep within an R-2 district with the great majority of homes with just one family living in them. City planners state they want to preserve the residential character of this neighborhood.

How did this come about?

In 1964 a permit was issued to put up a three car garage with a handyman workshop in an R-2 district. Part way through construction a stop work order was issued and, in order to continue construction, Crown Construction, through Eston Hathaway, had to sign a statement "that the upper story shall not be used to transact a business or service to others." The lower story of the accessory building shall be used as a private garage to store three self-propelled vehicles and miscellaneous hand tools." And if they made any changes they would come back and get the necessary permits. This is on Lot 31. An office building with no garage was built. No additional permits were issued.

In 1979 permits were issued to put up a one story 2 car garage on Lot 32 in an R-2 area. That building is a 2 story building with no garages. Again a stop work order was issued and no additional permits. GRANTED

This forced the petitioner to go to the Zoning Board to get a variance to expand his illegal business. The Zoning Board, knowing it was an illegal business, made a motion to permit the expansion (against the advice of the Zoning Board lawyer) which did not get the required 3 votes to pass. At which point it should have been thrown out according to Board of Zoning Appeals rules procedure, Article IV, Item 2, Paragraph 2, which states:

"If a resolution fails to receive three votes in favor of the appellant, the action will be deemed equivalent to a denial, and a resolution denying such appeal shall be formally entered on the record."

Instead it was rescheduled for the next month at which time the appeal was withdrawn. At that time, Crown's attorney, Robert Haller said that the neighborhood did not want an R-3 zoning, and CHAIRMAN George Simler, on moving for a withdrawal of the petition, stated "he is not encouraging the expansion of business in residential areas."

After this, Crown Construction continued to build and complete the offices on Lot 32. Then a warning notice was issued by the Zoning Board for operating a business in an R-2 zone and given 30 days to correct this. Which sent them to the Planning Commission and to the City Council tonight.

If this were a vacant lot, there is no question in our minds an R-3 zoning would not even be considered.

There is a large building on the back end of Lots 31 and 32 being used for business. It was put up illegally, asking for permits to put up garages and instead constructing two-story office buildings. Each step of the way, the documents we presented to you showed it was an R-2 area and couldn't be used for business.

Are you going to tell Fort Wayne that home ownership and the safety of the residents are going to be upheld by refusing to give an R-3 to the back section of Lot 31 and 32 or are you going to tell them: ignore the laws and if you get enough money wrapped up in an illegal building, we will give you the zoning you need that you couldn't get if you were a law abiding citizen?

Presented by Doug Long

Mr. Nuckols, Mrs. Schmidt, and Councilmen; I am addressing you as a private citizen, a past President of the Neighborhood Association, and one who has made a fifteen year commitment to life in the city of Fort Wayne.

The bill before you is an amendment to the city zoning map. The issue is planning for preservation, growth and the future of Fort Wayne.

Are you willing to take the challenge issued by Mayor Moses last Friday and provide the leadership this city needs?

The city's economic and industrial base is weakening, and it must be turned around. The public relations firm hired by Fort Wayne Futures identified effective planning and control of land use as a major problem in our city.

An editorial in the Journal Gazette last Sunday included this statement "...At the very heart of a city's zoning authority lies the assumption that planned growth is not only proper, but essential to a community's quality of life ..." and may I add, essential to the quality of investment that people or companies are willing to make in any city.

If land use or zoning laws are always changing without regard to any master plan - chaos will develop. Cities have died as a result of haphazard planning. People are unwilling to invest in an area where stability is uncertain. We have that situation here. An island in the middle of a R-2 area is being recommended for downgrade to R-3 --- the beginning of deterioration and instability.

Our neighborhood is very conscious of those things needed to survive. We need business, along commercial strips or preferably in commercial clusters. We need quality residential stock. We need good zoning enforcement. We need some capital improvements. We need planning.

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Page 2

In line with Mayor Moses philosophy, the Northside Neighborhood Association has given to the city -- a 35 acre park --not taken from it. This organization and its people are hard working, fair and honest. Listen to them -- I have.

Many of their objections are also concerns of mine. Let me describe them for you;

This zoning map amendment should not be approved because:

1. It is spot zoning which is recognized as an unacceptable method of determining land use. The nearest R-3 is over two blocks away and the nearest business use is four blocks away in commerical strips.
2. This amendment is contrary to the Fort Wayne Master Plan which calls for this area to be stabilized in order to preserve its residential character. That plan advocates;
 - Policies which prevent patterns or the character of land use which may become blighting influences in the future.
 - Policies which prohibit the encroachment of incompatible uses or extreme densities of development.
 - Policies which require preventive code enforcement where positive prompt action can stabilize the neighborhood.

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Page 3

3. This amendment is contrary to the intent of the planning and zoning statutes and defeats the purpose of a land use plan for the city. Planning by its very nature must be proactive, not reactive. This amendment encourages development by accident, not by purpose or objectives. Buildings should be constructed in compliance with the law - instead of constructing the law to fit the buildings. This bill will legalize 15 years of abuse of the law and will send a very loud and clear message to the people of Fort Wayne.

"Ignore the regulations and break the law --
we'll fix it later -- if any body notices."

This sets a precedent with a very high price tag.

4. Spot zoning encourages and promotes conversion of adjacent properties resulting in an insidious type of deterioration in the Northside area. The domino effect will take over with decreasing property values and a smaller tax base for the city of Fort Wayne. A neighborhood which now can respond so well to a little capital investment for improvements to a fifty year old sewer system, street, curb and sidewalk repair will become another "target" neighborhood requiring millions of dollars to rehabilitate. Gentlemen, Mrs. Schmidt, do not wait until an area falls over the edge before taking its needs seriously.

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Page 4

5. The area is densely populated with sizable traffic and parking problems now. A building housing the corporate offices of the largest masonry contractor in Northeastern Indiana will only increase these problems.
6. As the quality of life for the people in this area deteriorates more middle-class flight from the city will occur. Indeed over two hundred people from the neighborhood felt strongly enough about this threat to sign the Northside Neighborhood Association's petition asking that this not be allowed. Weather prevented many of them from attending this evening, but their spokesman is here and so is their petition.
7. The area to be rezoned has only an alley for public access and makes no planning sense. The surrounding neighborhood has mainly modest well-kept homes valued between \$30,000 and \$55,000, yet we have been told this contractor has over \$200,000 invested in the two lots. It is obviously over built.
8. A contractor whose stock in trade is zoning, building permits and all the things associated with that business can not plead ignorance. You should not approve a zoning change merely to correct for his poor investment decision - or is the intent of his plans still hidden from our view. His attitude is one which ignores the law and indeed has abused it. If this amendment is past, all of Fort Wayne is abused.

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Page 5

In conclusion, the issue is one of law, preservation and Fort Wayne's future. The Planning Commission and the Board of Zoning Appeals have passed the responsibility to you. They need your leadership. Please listen to our residents, those individuals who voted you into office, and accept the Mayor's challenge, set the direction for our neighborhood and our city on an upward path -- deny this amendment, stabilize our neighborhood and allow it to grow as we know it can.

xfe

cc: Douglas J. & Marcia E. Lary

We, the Northside Neighborhood Association, cannot agree to put our stamp of approval on the proposal to rezone from R-2 to R-3 and back to R-2 to legalize the Crown Construction business on lot 31 and 32 in Romy Addition as we feel we would be doing an injustice to the citizens of Fort Wayne if we did so.

We feel this would set a precedent and legitimize any business that wanted to ignore the zoning laws by starting a venture anywhere in the city and, when they got caught, claim they didn't know the zoning ordinances, even though it was quite obvious that was not true, and could refer to this case as the way Fort Wayne does business.

We restate, it is up to you Council members to go on record that home ownership, property values, and the safety of Fort Wayne residents will be protected by City Council by refusing to grant an R-3 zoning on Lot 31 and 32 in Romy Addition.

Or are you going to tell them: ignore the laws and if you get enough money wrapped up in an illegal building, we will give you the zoning you need that you couldn't get if you were a law abiding citizen.

WE REQUEST A ROLL CALL NOTE



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

13 February 1981

Mr. Robert Haller
2000 Fort Wayne National Bank Building
Fort Wayne, IN 46802

Re: Bill No. Z-80-11-09 - From R-2 to R-3
Lots 31 & 32 in Romy's Addition, more
commonly known as 2021 & 2023 Hillside
Avenue.

Dear Mr. Haller:

The above mentioned bill was acted on at the regular meeting of the
City Plan Commission held January 26, 1981. The motion was as follows:

"Motion was made by Mrs. Vivian Schmidt, seconded by Mr. Dennis Grotrian
to return the ordinance to the Common Council with a DO PASS recommendation
as PERFECTED."

The vote was unanimous to accept the recommendation. All nine members
of the Commission were present at the meeting.

Sincerely,

Patricia Biancaniello
Staff Secretary

/pb

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We hTh Investments, Inc.
(Applicant's Name or Names)

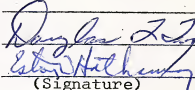
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:

Lots Numbered 31 and 32 in Romy's Addition to the City of Fort Wayne,
Indiana, according to the recorded plat thereof commonly known as
2021 and 2023 Hillside Avenue, Fort Wayne, Indiana.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>hTh Investments, Inc.</u>	<u>2021 Hillside Avenue</u>	
_____	<u>Fort Wayne, Indiana 46805</u>	
(Name)	(Address)	
		(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Robert W. Haller</u>	<u>2000 Fort Wayne Bank Building</u>	<u>219-424-2000</u>
(Name)	(Address & Zip Code)	(Telephone Number)
	<u>Fort Wayne, IN 46802</u>	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

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(Name)	(Address)	(Signature)

This form is to be filed in duplicate.

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

No. _____
DATE FILED: _____
INTENDED USE: _____

I/We hTh Investments, Inc.
Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by reclassifying from an R-3 District to a R-2 District the property described as follows:

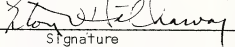
The West Fifty-Five (55) of Lots Numbered 31 and 32 in
Romy's Addition to the City of Fort Wayne, Indiana,
according to the recorded plat thereof commonly known
as 2021 and 2023 Hillside Avenue, Fort Wayne, Indiana.
General Description (Prepared by Planning Staff)

Legal Description
Legal Description Checked by (City Engineer) _____

The Undersigned applicant (s) upon the execution and submission of this application and petition for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or for the ordinance to be taken under advisement is filed within the required time, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. Also, in the event, a request is filed for continuance or delay in the consideration of an ordinance, it shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and informing him of the time and place of the next meeting at which the proposed ordinance will be considered. In the event the time and place of the meeting is not known at the time that the request for continuance is filed, it shall be the duty of the petitioner to notify all persons notified by the Plan Commission Office when the time and place of hearing is determined.

I/We hereby certify that as the undersigned, I am / We are the owner (s) of fifty-one percentum or more of the property described in this petition.

<u>hTh Investments, Inc.</u> Name	<u>2021 Hillside Avenue</u> Address	<u></u> Signature
_____	<u>Fort Wayne, IN 46805</u>	<u>Eston W. Hathaway, President</u>
_____	_____	_____
_____	_____	_____

This petition for zoning ordinance amendment prepared by:
Robert W. Haller 2000 Fort Wayne Bank Bldg. (219) 424-2000
Name Address Telephone Number
Fort Wayne, IN 46802

City Plan Commission - One Main Street - City-County Building - Fort Wayne, Indiana - 423-7571

This petition presented to Clerk
on Feb. 3, 1981

file

FORT WAYNE, IND.

FILED

FEB 04 1981

①

CHARLES W. WESTERMAN
CITY CLERK

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8-23-80	Teronika Timinsky	2211 St. Joe Blvd.
8-23-80	Marianne Timinsky	2211 St. Joe Blvd.
	Cora G. Bobbe	2121 St. Joe Blvd.
	Vladimir P. Bunting	2115 St. Joe Blvd.
	Judy Murray	2115 St. Joe Blvd.
	Joe Bunting	2115 St. Joe Blvd.
	Joe Fenker	2105 St. Joe Blvd.
	Mary Fenker	2105 St. Joe Blvd.
	Charles E. Godwin	2101 St. Joe Blvd.
	Judy Fenker	2105 St. Joe Blvd.
	Stella M. Godwin	2101 St. Joe Blvd.
	Carl Elch	2025 St. Joe Blvd.
	Roseanna Conner	1919 St. Joe Blvd.
	Mildred Broekmeyer	736 Romy Ave.
8/23/80	Linda Craig	1924 St. Joseph Blvd.
	Herbert Oberke	1820 St. Joe Blvd.
	Mrs. Eleanor Gerke	1820 St. Joe Blvd.
	Mrs. Marjorie Wakeman	1818 St. Joe Blvd.
	Norma Wakeman	1818 St. Joe Blvd.
	Thomas Struckhoff	1808 St. Joe Blvd.

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Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8-23-80	Elizabeth M. Stuckholz	1808 St Joe Blvd
	Helen E. Meay	813 Delaware Ave.
	Vivian Barkeslee	815 Delaware Ave.
	Mary Patton	1501 Hillside
	Charles H. Hunter	1817 Hillside Ave.
	Frank L. Lutz	1804 Hillside Ave
	Louise Lutz	804 Hillside Ave
	Robert De Veeney	1904 Hillside Ave
	Mary De Veeney	1904 Hillside Ave
	Mathew M. Jaffe	1910 Hillside Ave
	Arthur J. Jaffe	1910 Hillside Ave
	Raul Suttons	1920 Hillside Ave
	Frances Sutton	1920 Hillside Ave
	Julia C. Hopkins	1924 Hillside Avenue
	Doris Butler	2016 Hillside Avenue
	Eric W. Johnson	902 Forest Ave.
	Erab Johnson	902 Forest Ave

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

[illegible]

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021²⁵ Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8-26-80	E. E. Lowe Jr.	1524 Kentucky Ave
8-26-80	W. F. Rainard.	1606 Kentucky Ave
8-26-80	R. A. Armstrong	1714 Kentucky Ave
	7722 Wm. Rose	1718 Kentucky Ave
8-26-80	Mr & Mrs John J. Hager	1722 Kentucky Ave
8-26-80	Bonnie J. Hager	1802 Kentucky Ave.
8-26-80	Vicki Hodges	1806 Kentucky Ave
" " "	Curtis Lamer	1810 Kentucky
8-26-80	Mr & Mrs April J. Hunt	1820 Kentucky
8-26-80	John Hoffman	1060 Delaware
8-26-80	Delores B. B. B.	1065 Delaware
8-27-80	William E. B. B.	2027 Bayes
8-27-80	William E. B. B.	2019 Bayes
8-27-80	Lucille H. B. B.	2019 Bayes
8-27-80	Alan D. B. B.	2015 Bayes
8-27-80	Carolyn E. B. B.	2005 Bayes
8-27-80	David A. B. B.	2008 Bayes
8-27-80	Robert L. B. B.	1933 Bayes Ave.
8-27-80	Charles E. B. B.	1931 Bayes Ave.
8-27-80	Hugh D. B. B.	1921 Bayes Ave

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Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
5-26-80	James Welling	1823 Kentucky Ave
8-26-80	Judy Hendrich	1725 Kentucky
8-26-80	Robi Dorfman	1721 KENTUCKY
8-26-80	Elaine Sengman	1721 Kentucky Ave.
8-26-80	Timothy O'Neil	1719 Kentucky Ave.
8-26-80	Ellie Paciona	1615 Kentucky
8-26-80	John A. Holt	1613 Kentucky
8-26-80	Pam Soderkent	1613 Kentucky
8-26-80	Linda Kruse	1605 Kentucky
8-26-80	David Bird	1605 Kentucky
8-26-80	Henry Hogg	1537 Kentucky
8-26-80	Janet Hory	1537 Kentucky
8-26-80	Margie Hendrich	1053 Pennwood
8-26-80	William Halstien	1533 Kentucky
8-26-80	Susan Duthue	1529 Kentucky Avenue
8/26/80	Robert Dammeyer	1521 Kentucky
8/26/80	Rick A. Sowers	1508 Kentucky Ave.
8/26/80	Spaldine A. Menger	1510 Kentucky Ave.
8-26-80	Robert P. Elmer	1510 Kentucky Ave.
8-26-80	G.H. Steiner	1520 Kentucky Ave.

(6)

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8/22/80	Julie Klein	2202 St Joe Blvd
8/22/80	Debi Smith	915 Columbia
8/22/80	R. E. Rommel	1050 E. State Blvd.
8/22/80	Thomas Blomell	925 Delaware Ave
8/22/80	Dwight A. Warner	1220 Delaware Ave.
8/22/80	Will E. K.	631 Tenn Ave.
8/22/80	Kathi Root	726 Lawton Pl.
8/22/80	Ron Smith	318 Field St
8/22/80	Jandy Roe	628 E. Wayne St. #4
8-22-80	Ken Gies	2256 KENTUCKY AV.
8-23-80	T. J. Stokstad	2601 TRIER ROAD
8-23-80	Don A. Miller	1914 St. Joe Blvd.
8-23-80	Marion Shearer	1919 Crescent Dr
8/23/80	Cyril W. Larson	2202 POWER CIVE
8/23/80	Paul H. Harnett	1411 Charlotte Ave.
8/23/80	Ray H. Burt	1510 1/2 Columbia Ave. Ft. Wayne
8/24/80	John R. Jones	2211 KENTUCKY
8/24/80	James H. Gayle	4418 Imperial Ct.
8/24/80	Harry H. Harnett	2208 K. Street
8/23/80	John L. Harnett	2418 Crescent Ave.

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8/23/80	Michael D. Flory	1005 Forest Ave
8/23/80	Ed Rodgers	2501 Vance Ave
8-23-80	William H. Flory	1005 Forest Ave.
8-23-80	Jack D. D.	2620 West Dr 46805
8-24-80	Mark L. Green	1717 EDGEWATER AV' OS
8-25-80	John M. Bucher	2105 Hillside
8-25-80	Walt C. Green	2031 Bayer Av. OS
8-25-80	George B. Green	501 Stadium Drive
8/25/80	Rail Thomas	1401 Kentucky Ave.
8/25/80	David Bion	1910 California Ave
8/25/80	Ron Hinkle	515 Charlotte Ave
8/25/80	Dan Watson	2517 Mamie Dr
8/25/80	Phil Wayne	1503 Glenwood Ave
8/25/80	Jeff C.	1118 E. Channing
8/25/80	Judith Spedonell	1023 1/2 Crescent Ave
8/26/80	Roby Trump	629 Riverside ave.
8/26/80	Barbara D. D.	2015 California Ave
8/26/80	Larry L. Dordick	1820 Alabama Ave.
8-26-80	Robert Boyle	5130 Laurel Dr. Ft. Wm.
8-26-80	Jack Chubb	1219 Elmwood

8

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date

Name

Address

8-26-80

Dick Pulse

1741 Hillside Ave

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8-24-80	Mr W. Phillips	2726 Northside Dr.
8-24-80	Mr/Mrs Leo Redwanski	508 Curdes Ave
8-24-80	Mr/Mrs. Earl A. Meagher	519 Curdes Ave.
8-24-80	Mr/Mrs C. Hasting	518 Curdes Ave
8-24-80	Mr & Mrs Wilbur Cummings	523 Curdes Ave
8-24-80	Mr & Mrs Curtis E. Conner	528 Curdes Ave
8-24-80	Earl P. Brice	601 Curdes Ave
8-24-80	Mr & Mrs Wm M. Schellenbach	607 Curdes Ave
8-24-80	Mrs Helen S. Sorensen	605 Curdes Ave 46805
8-24-80	Mr & Mrs. L. J. McKitt	2803 Parnell Ave 46805
8-24-80	Mr & Mrs D. Dwyer	2807 Parnell Ave 46805
8-24-80	W. A. Katan	2902 Parnell
8-24-80	Mr. Koehler	2702 Parnell
8-24-80	Mr & Mrs R. L. Grief	729 Charlotte
8-25-80	Mr & Mrs. John Schlegel	813 Northwood Blvd.
8/25	Mike Buppert	809 Northwood Blvd.
8/25	Mr & Mrs. Robin Jones	821 Northwood Blvd
8/25	Mary E. Miller	1006 Ferguson Ave.
8/25/80	James S. Dillhoff	1053 Ferguson Ave.
8/27/80	Deborah J. Carter	609 Curdes

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date _____

Name _____

Address

8/27/80

Robt D. Carter

609 Cordes Ave

8-27-80

Ruth K Hanson

62) Cuscuta

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
Aug 23	AA 2021	2110 Parnell
8/23/80	Catherine A. Freimuth	2108 Parnell Ave.
8/23/80	John Rael	2128 Parnell Ave.
8/23/80	Patricia Restivo	2128 Parnell Ave.
8-23-80	Louise Gordon	2120 Parnell Ave.
8-23-80	Joseph Hinshel	2130 Parnell
8-23-80	Reas T. Kestis	2130 Parnell Ave.
8-23-80	Bernadine Ray	2119 1/2 Parnell Ave.
8-23-80	Lucille Humbarger	2125 Parnell Ave.
8-23-80	Margaret Harris	2115 Parnell Ave.
8-23-80	Kathleen Oehring	2105 Parnell Ave.
8-23-80	Sharon Schondelmayer	617 Forest Ave.
8-23-80	Frank Freimuth	2108 Parnell Ave.
8-23-80	Brs. Regal Cheney	714 Forest Ave.
8-23-80	Carrie Friedman	710 Forest Ave.
8-23-80	Ernie Brown	721 Forest Ave.
8-23-80	Bingo Perryguy	722 Forest Ave.
8/23/80	Wm. D. Dwyer	722 Forest Ave.
8/23/80	Samuel A. Mithis	2035 Parnell Avenue
8/23/80	Alm. R. J.	741 Forest Ave.

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021-25 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8-23	Cal Maidment	710 Forest
8-23	Jay Jones	741 Forest
8-23	Kevin Ulmer	702 Forest Ave
8-23	Theresa Ulmer	702 Forest Ave
8-24	Dale Thompson	2029 Parnell Ave.
8-24	Chris Morrey	2029 Parnell
8-24	Al Samuell	2016 Parnell
8-24	Al Samuell	2016 Parnell
8/24	Charles H. Green	707 Romy Ave
8/24	Paul R. Grewinger	723 Romy Ave
8/24	Harriet L. Haley	723 Romy Ave
8/24	Connie Schmidt	723 1/2 Romy Ave
8/24	Sharon Jones	725 Romy Ave
8/24	Cathleen Coen	725 Romy Ave
8/24	Jay E. Buffenberger	809 Northwood Blvd
8/24	Ronald E. Carr	2025 Parnell Ave
8/24	Timothy A. Carr	2025 Parnell Ave
8-25-80	Janet S. M.	717 Romy Ave
8-25-80	H. R. Schmale	617 Forest Ave
8-25-80	Ann Maidment	710 Forest Ave

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
Aug 21, 1980	Janet Rye	919 Forest Ave
Aug 22, 1980	Kathy Tommel	1050 E. State
Aug 23, 1980	Gordon Luckeloh	925 Forest Ave
Aug 23, 1980	Patricia M. Luckeloh	925 Forest Ave
Aug 23, 1980	Lorraine M. Ahrens	905 Forest Ave.
Aug 23, 1980	Paul J. Ahrens	905 Forest Ave.
Aug 23, 1980	Agnes Mensing	915 Forest Ave
Aug 23-1980	Gary S. & Bob Schumig	1002 Forest Ave.
Aug 23-1980	Robert & Francis W. Schumig	1010 Forest Ave.
Aug 23 1980	Norma Whitten	1010 Forest Ave.
Aug 23/80	Fred Schrick	5608-7 Woodbine Dr.
8-23-80	Corral A. Schrick	5608-7 Woodbine Dr.
8/27/80	Jack M. Tarter	1010 FOREST AVE.
8/22/80	Row W. Bayer	1939 BAYER AVE.
8-23-80	Don Hoyer	1939 Bayer Ave.
Aug 23-80	Lucy E. Rye	919 Forest Ave.
Aug 23-80	Bob Klippel	910 Forest Ave.
Aug 23-80	Judy Klippel	910 Forest Ave.
Aug 25-80	Melvin Smith	923 Forest Ave.
Aug 25-80	Mary L. Smith	923 Forest Ave.

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date	Name	Address
8/25/80	Royanne Hayland	916 Northwood
8/25/80	Barbara Jones	910 Northwood
8/25/80	John P. Buchanan	910 Northwood
8/25/80	Pete Christner	906 Northwood
8/25/80	Lauren E. Clinton	806 Northwood
8/25/80	Hazel Siefert	902 Northwood
8-25-80	Mildred S. Clements	826 Northwood Blvd.
8-25-80	Gleason Russell	909 Northwood Blvd.
8/25/80	Marcia Elamy	918 Northwood Blvd.
8/25/80	Douglas Ford	918 Northwood Blvd.
8/26/80	Jim Schackel	820 Northwood Blvd.
8-26-80	James Dellinger	820 Northwood Blvd.
8-26-80	Janeen Goddard	822 Northwood Blvd.
8-27-80	Henry Gross	814 Northwood Blvd.
8-27-80	Kathy Gross	814 Northwood Blvd.
8-27-80	June P Oker	812 Northwood Blvd.
8-27-80	Wendell Oker	812 Northwood Blvd.
8-26-80	Glen T Honeick	905 Northwood Blvd.
8-26-80	Dane Honeick	905 Northwood Blvd.
8-26-80	Mike Dembicki	921 Northwood Blvd.

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

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Date	Name	Address
8-25-80	Sylvia Walker	1037 Forest Ave Ft. Wayne
8-25-80	Robert A. Walker	1037 Forest Ave Ft. Wayne
8-25-80	Kenneth Martin	1033 Forest Ave Ft. Wayne
8-25-80	Ruth E. Martin	1033 Forest Ave Ft. Wayne
8-25-80	Louise Bokland	1025 Forest Ave Ft. Wayne
8-25-80	Daniel D. Kony	1017 Forest Ave Ft. Wayne
8-25-80	Debra A. Kony	1017 Forest Ave Ft. Wayne
8-25-80	Eileen Edwards	1011 Forest Ave Ft. Wayne
8-25-80	Alice Flory	1006 Forest Ave Ft. Wayne
8-25-80	William W. Flory	1005 Forest Ave Ft. Wayne
8-25-80	Patricia Krigger	1001 Forest Ave Ft. Wayne
8-25-80	Larry J. Junters	1010 FOREST AVE. FT. WAYNE
8-25-80	B. E. Lippert	1024 Forest Ave, Ft. Wayne
8-25-80	Linda Lippert	1034 Forest Ave, Ft. Wayne
8-25-80	William J. Bridges	1030 Forest Ave, Ft. Wayne
8-25-80	Anne M. Bridges	1030 Forest Ave Ft. Wayne
8-25-80	Marie Duffer	1034 Forest Ave. " "
8-27-80	L. Bokland	1025 Forest Ave " "
8-27-80	Martha Roberts	1045 Forest Ave "

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

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Date _____

Name _____

Address

8-26-80

Jan Dombecki

921 Northwood Blvd.

8-26-80

Lucie Haskell

925 Northwood Blvd

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

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Date _____

Name

Address

Aug. 25 1980

Teresa Smith

923 Forest Ave

Aug 25, 1980

Jean A. Trif

1117 Elmwood Cir

8-25-80

Basin

1217 Elmwood Ave

We, the undersigned residents of the Northside Neighborhood in the City of Fort Wayne, DO NOT want the illegal use of the property at 2021 Hillside conducted by Crown Construction Company expanded, added on to, or enlarged in any way and strongly oppose any downgrade of the current zoning from R-2.

Should our signatures appear on any other petition that is inconsistent with the intent of this petition, it is our desire that this petition should take precedence over that other petition.

Date

Name

Address

8/27/80

Emily Jantz

1007 Northwood

8-27-80

Dana Jantz

" "

SNOUTTER, HALLER & COLVIN
ATTORNEYS AT LAW

RICHARD I. SNOUTTER
ROBERT W. HALLER
SHERRILL WM. COLVIN
STEPHEN E. LEWIS
STEPHEN L. WILLIAMS
VINCENT J. HEINY
JOHN O. FEIGHNER
PERRY D. SHILTS

2000 FORT WAYNE BANK BLDG.
FORT WAYNE, INDIANA 46802

TELEPHONE
219-424-2000

February 5, 1981

Members of the Fort Wayne Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

RE: Bill No. Z-80-11-09
2021 Hillside Avenue
hTh Investments, Inc.
Crown Construction, Inc.

Dear Members of the Council:

At the meeting of the Fort Wayne Common Council held February 3, 1981, action of the captioned bill was deferred for a week to allow the petitioner and opponents to consider a proposal made by Councilman Don Schmidt and Mr. Gary F. Baeten, Senior Planner. Their proposal was that the Council would pass the ordinance rezoning the West 55 feet of Lots 31 and 32 in Romy's Addition from R-2 to R-3, and then allow the petitioner sufficient time to ask the Fort Wayne Board of Zoning Appeals for approval for office uses in the existing building.

It was assumed that the BZA would approve this petition if the compromise suggested was approved by the Northside Association, and that after receipt of the approval, that the petitioner would then refile with the Fort Wayne City Plan Commission for a change in the zoning from R-3 back to R-2. Upon passage of such an ordinance by the Council, the petitioner would have a non-conforming use which could not be expanded. This is what the petitioner originally sought from the BZA, the expansion of a non-conforming use.

The petitioner accepts this proposal, and to evidence good faith, has attached to this letter a duly executed petition for such rezoning in duplicate as well as a check to the City of Fort

Members of the Fort Wayne Common Council
February 5, 1981
Page Two

Wayne in the amount of \$50.00. We are willing to deposit these in escrow with Mr. Baeten for automatic filing upon final approval of office uses by the BZA. Should the BZA not grant the office use, I suggest the petitioner again appear at the Council for further consultation.

Thank you all for your thought in this matter, and for making a proposal as made.

Very truly yours,

SNOUFFER, HALLER & COLVIN

Robert W. Haller
RWH/ae

5062

Admn. Appr. _____

DIGEST SHEET

(as amended)
3-80-11-09

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lots #31 & #32 in Romy's Addition, more commonly known
as 2021 and 2023 Hillside Avenue.

EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential District.
Property will become R-3 - Multiple Family Residential District.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Reg



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -- Room 122

March 9, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of March 13 and March 20, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common
Council of Fort Wayne, IN

Zoning Map Ordinances:

Bill No. Z-80-09-23
Zoning Map Ordinance No. Z-06-81

Bill No. Z-80-11-09 (AS AMENDED)
Zoning Map Ordinance No. Z-07-81

Please send us 8 copies of the Publisher's Affidavit from both the newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 24th day of February, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-80-09-23 -- Zoning Map Ordinance No. Z-06-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map Nos H-31 and H-35

Notice is hereby given that on the 24th day of February, 1981, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-11-09 (as amended) Zoning Map Ordinance No. Z-07-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-09-23 -- Zoning Map Ordinance No. Z-06-81 and Bill No. Z-80-11-09 (as amended) -- Zoning Map Ordinance NO. Z-07-81, said ordinances were signed and approved by the Mayor on the 5th day of March, 1981, and now remains on file and on record in my office.

Copies of Bill No. Z-80-09-23 -- Zoning Map Ordinance No. Z-06-81 and Bill No. Z-80-11-09 (as amended) -- Zoning Map Ordinance No. Z-07-81, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-80-09-23 -- Zoning Map Ordinance No. Z-06-81 and Bill No. Z-80-11-09 (as amended) -- Zoning Map Ordinance No. Z-07-81, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on March 13, 1981.


Charles W. Westerman
City Clerk

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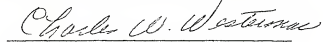
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Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on March 13, 1981.


Charles W. Westerman
City Clerk

Fort Wayne Common Council

To JOURNAL-GAZETTE Dr.

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines	
Body	number of lines	71
Tail	number of lines	2
Total number of lines in notice		73

COMPUTATION OF CHARGES

73	lines,	1	columns wide equals	73	equivalent lines at	.276¢	\$ 20.15
							cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two)							6 extra 3.00
TOTAL AMOUNT OF CLAIM.							\$ 23.15

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type.....6.....point

Number of insertions 2

Size of quad upon which type is cast.....6.....

Notice is hereby given that on the 24th day of February, 1981, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-09-23-Zoning Map Ordinance No. Z-06-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-31 and H-32.

Putt...ics of Ch. 89., Acts 1967.

I he...count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

has (3) and H-32. Notice is hereby given that on the 24th day of February, 1981, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-11-09 (as amended) Zoning Map Ordinance No. Z-07-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14.

Date...I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-09-23-Zoning Map Ordinance No. Z-06-81 and Bill No. Z-80-11-09 (as amended) - Zoning Map Ordinance No. Z-07-81, said ordinances were signed and approved by the Mayor on the 5th day of March, 1981, and the same remains on file and on record in my office.

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

CHARLES W. WESTERMAN

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on March 13, 1981.

CHARLES W. WESTERMAN

3-13-81 City Clerk

Arvilla Dewald

Title.....CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is.....CLERK.....of the

JOURNAL-GAZETTE

a.....DAILY.....newspaper of general circulation printed and published in the English language in the city of.....FORT WAYNE, INDIANA.....town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....two times.....the dates of publication being as follows:

3/13 - 3/20/81

Subscribed and sworn to before me this 20 th day of March, 1981

Arvilla Dewald

Arvilla Dewald
Notary Public

My commission expires.....November 29, 1981.....

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

71273**COMPUTATION OF CHARGES**

73 lines 1 columns wide equals 73 equivalent lines at .276¢ 20.15
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM.

23.15**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date Mar. 20 19 81Title CLERK

Form 904

PUBLISHER'S AFFIDAVITState of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of theJOURNAL-GAZETTE
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:3/13 - 3/20/81Subscribed and sworn to before me this 20 th day of March 19 81My commission expires November 29, 1981

Notary Public

**Come to M
Joy of REN**NO MON
REGULAR

RE

S.

County, Indiana.

(1) Reference Room in the north end of the main floor in said Downtown Public Library.
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on March 13, 1981.

CHARLES W. WESTERMAN
3-13-20 City Clerk

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen

County, Ind

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. RooseDate Mar. 20 19 81Title CLERK

Form 903

PUBLISHER'S AFFIDAVITState of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA townin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 3/13 - 3/20/81Subscribed and sworn to before me this 20th day of March 19 81

Notary Public

My commission expires November 29, 1981